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In re Application of	:	
Ole Mathiassen	:	DECISION ON
Application No.: 09/331,501	:	
PCT No.: PCT/DK97/00564	:	PAPERS FILED
Int. Filing Date: 11 December 1997	:	
Priority Date: 14 December 1996	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 196-1187	:	
For: ELECTRIC MOTOR	:	AND 1.44

This is a decision on the papers filed 27 September 1999.

BACKGROUND

On 14 June 1999, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set both by 35 U.S.C. 371(c)(4).

On 02 August 1999, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.66 or 37 CFR 1.68 must be filed. The notification set a one-month time limit in which to respond.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 27 September 1999 a declaration signed by, Ib Mathiassen, an executor of Ole Mathiassen (the inventor, now deceased). The surcharge fee required under 37 CFR 1.492(e) and a certificate of the clerk of the court (The Court of Sonderborg, Probate court certificate concerning the administration of a deceased person's estate) were also submitted.

DISCUSSION

In addition, to the above, applicants' representative submitted a supplemental letter on 27 September 1999 that was accompanied by, inter alia, a notarized certificate of the Court of Sonderborg, Denmark, and a translation, evidencing the death of the inventor, and proving the authority of Ib Mathiassen and Inger Elisabeth Mathiassen as heirs.

The Court of Sonderborg, Probate court certificate concerning the administration of a deceased person's estate states that the administration of the estate of Ole Mathiassen was taken over by the below heirs on May 7, 1999:

1. Ib Mathiassen, and
2. Inger Elisabeth Mathiassen

The court certificate states that Ole Mathiassen died on 01 March 1999. The documents submitted, however, are insufficient to establish the proof of authority under 37 CFR 1.44. Applicant appears to have submitted a copy of a Certificate of the Court of Sonderborg, Denmark. There is no statement stating that the Certificate is a true copy.

Further, applicant's declaration executed by Ib Mathiassen, as "Executor" of the estate of the deceased inventor is not accepted under 37 CFR 1.42 since it appears that he is one of two legal representatives (executors) for the estate of Ole Mathiassen, and only Ib Mathiassen has signed the declaration. The declaration filed 27 September 1999 does not satisfy the requirements under 37 CFR 1.497(a) and (b); thus, the requirements under 35 USC 371[©] are not satisfied.

In addition, a two page document titled SKIFTEFULDMAGT was submitted but no English translation was provided to determine the relevance of this document with respect to the above international application. An English translation is requested.


Accordingly, applicant has not satisfied the requirements under 37 CFR 1.42 and the Notification of Missing Requirements mailed on 02 August 1999 is not withdrawn.

CONCLUSION


For the above reasons, the request for status under 37 CFR 1.42 and the proof of authority under 37 CFR 1.44 are NOT ACCEPTED. The Notification of Missing Requirements mailed on 02 August 1999 is NOT VACATED.

Applicant is hereby afforded TWO (2) Months from the mail date of this decision to satisfy all the requirements under 37 CFR 1.42 and 1.44. Any reconsideration request should include a cover letter entitled "Renewed request Under 37 CFR 1.42 and 1.44." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the PCT Legal Office.



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